"Express Mail" mailing label number EV 906 816 777 USDate of Deposit: February 28, 2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: D. Schmitz et al.

Appln. No.: 09/896,061

Filed: June 29, 2001

For: Automated Execution System
Having Participation

Attorney Docket No: 11927/90

Examiner: F. Poinvil

Art Unit: 3692

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

U.S. PATENTS

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
3,573,747	04/06/71	Adams et al.
3,581,072	05/25/71	Nymeyer
4,412,287	10/25/83	Braddock, III
4,674,044	06/16/87	Kalmus et al.
4,903,201	02/20/90	Wagner
4,980,826	12/25/90	Wagner
5,038,284	08/06/91	Kramer
5,101,353	03/31/92	Lupien et al.
5,136,501	08/04/92	Silverman et al.
5,297,031	03/22/94	Guterman et al.
5,297,032	03/22/94	Trojan et al.
5,305,200	04/19/94	Hartheimer et al.
5,315,634	05/24/94	Tanaka et al.
5,664,115	09/02/97	Fraser
5,689,652	11/18/97	Lupien et al.
5,715,402	02/03/98	Popolo
5,744,877	04/28/98	Owens
5,774,877	06/30/98	Patterson, Jr. et al.

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
5,787,402	07/28/98	Potter et al.
5,793,301	08/11/98	Patterson, Jr. et al.
5,797,002	08/18/98	Patterson, Jr. et al.
5,809,483	09/15/98	Broka et al.
5,813,009	09/22/98	Johnson et al.
5,819,237	10/06/98	Garman
5,845,266	12/01/98	Lupien et al.
5,873,071	02/16/99	Ferstenberg et al.
5,905,974	05/18/99	Fraser et al.
5,913,202	06/15/99	Motoyama
5,915,209	06/22/99	Lawrence
5,915,245	06/22/99	Patterson, Jr. et al.
5,924,082	07/13/99	Silverman et al.
5,950,176	09/07/99	Keiser et al.
5,950,177	09/07/99	Lupien et al.
5,963,923	10/05/99	Garber
5,970,479	10/19/99	Spepherd
5,978,779	11/02/99	Stein et al.
6,012,046	01/04/00	Lupien et al.
6,014,627	01/11/00	Togher et al.
6,014,643	01/11/00	Minton
6,016,483	01/18/00	Rickard et al.
6,021,397	02/01/00	Jones et al.
6,035,288	03/07/00	Solomon
6,076,068	06/13/00	DeLapa et al.
6,119,103	09/12/00	Basch et al.
6,195,647	02/27/01	Martyn et al.
6,199,050	03/06/01	Alaia et al.
6,230,146	05/08/01	Alaia et al.
6,247,000 B1	06/12/01	Hawkins et al.
6,263,321	07/17/01	Daughtery, III
6,266,651	07/24/01	Woolston
6,269,346	07/31/01	Cristofich et al.
6,278,982	08/21/01	Korhammer et al.
6,282,521	08/28/01	Howorka
6,285,989	09/04/01	Shoham
6,317,727 B1	11/13/01	May
6,317,728	11/13/01	Kane
6,321,212	11/20/01	Lange
6,377,940	04/23/02	Tilfors et al.
6,405,180 B2	06/11/02	Tilfors et al.
6,421,653 B1	07/16/02	May
6,539,362	03/25/03	Patterson, Jr. et al.

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
6,560,580 B1	05/06/03	Fraser et al.
6,564,192	05/13/03	Kinney, Jr. et al.
6,601,627	08/05/03	Kasai et al.
6,618,707 B1	09/09/03	Katz
6,647,374	11/11/03	Kansal
US 2002/0002530 A1	01/03/02	May
US 2002/0013760 A1	01/31/02	Arora et al.
US 2002/0019799 A1	02/14/02	Ginsberg et al.
US 2002/0082967 A1	06/27/02	Kaminsky et al.
US 2002/0138401 A1	09/26/02	Allen et al.
US 2002/0152152 A1	10/17/02	Abdelnur et al.
US 2002/0156716 A1	10/24/02	Adatia
US 2002/0198813 A1	12/26/02	Patterson, Jr. et al.
US 2003/0018569 A1	01/23/03	Eisenthal et al.
US 2003/0208430 A1	11/06/03	Gershon

FOREIGN PATENT DOCUMENTS

<u>Document No.</u>	<u>Date</u>	<u>Country</u>
WO 00/28449	05/18/00	PCT
WO 00/48053	08/17/00	PCT
WO 00/70506	11/23/00	PCT
WO 01/22263	03/29/01	PCT
WO 01/22269	03/29/01	PCT
WO 01/22313	03/29/01	PCT
WO 01/22315	03/29/01	PCT
WO 01/22332	03/29/01	PCT
WO 01/88808	11/22/01	PCT
EP 0 952 536 A1	10/27/99	EPO

OTHER ART

E. Clemons et al., "Information Technology and Screen-Based Securities Trading: Pricing the Stock and Pricing the Trade", *Management Science*, Volume 43, Number 12, December 1997

"The Pandora's Box over autoquotes; Industry Trend or Event", *Wall Street & Technology*, Section No. 3, Vol. 13, Pg. 38; ISSN: 1060-989X, March 1997

"How is a Trade Executed – Limit Order", *Nasdaq*, dated March 7, 2000, One Page

S. Cosgrove, "Courting Retail, Institutional Customers, CBOE, AMEX Get Creative", *Knight-Ridder Financial News*, January 29, 1993

Self-Regulatory Organizations: Proposed Rule Change by the Cincinnati Stock Exchange Relating to Small Order Execution Guaranty, 1985 WL 547562; SEC Release No. 22330, August 15, 1985

A Monitoring Report On The Operation Of The Cincinnati Stock Exchange National Securities Trading System, U.S. Securities And Exchanges Commission, May 1981

A Report On The Operation Of The Cincinnati Stock Exchange National Securities Trading System 1978-1981, U.S. Securities And Exchange Commission, September 1982

CBOT Press Release Entitled "Impressive Project A® Provides Extended Opportunity In CBOT Financial Complex", dated January 1995, printed from the Internet at
http://web.archive.org/web/19990429192354/finance/wat.ch/SCFOA/bulletin/_0001960.htm on 10/31/05, 3 pages

A. Frino et al., Price And Time-Priority Versus Pro-Rata Algorithms In Electronically Traded Futures Markets: Simulation Based Performance Characteristics, October 3, 1998,
<http://www.sirca.org.au/research/database.html> (Document 1998009.pdf)

A. Frino et al., The Liquidity Of Automated Exchanges: New Evidence From Germany Bund Futures, Vol. 8, Journal Of International Financial Markets, Institutions And Money, pp. 225-241 (1998)

Self-Regulatory Organization; Chicago Stock Exchange, Inc.; Order Approving Proposed Rule Change Creating The Chicago Match System (59 F.R. 63141) SEC Release No. 34-35030, 1994 SEC LEXIS 3863, November 30, 1994

A. Sarker et al., "Electronic Trading On Futures Exchanges," Current Issues In Economics And Finance, Federal Reserve Bank Of New York, Vol. 4, No. 1, January 1998

Self-Regulatory Organization; Order Approving Proposed Rule Change and Notice of Filing in Order Granting Accelerated Approval of Amendment No. 2 to the Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Enhanced Specialist Participation in Parity Options Trades, SEC Release No. 34-35429, 60 F.R. 12802, March 8, 1995

CBOE Rules, CCH (1989) (Rules 6.45-8.80)

CBOE Information Circular IC 93-88 (November 18, 1993)

U.S. Congress, Office Of Technology Assessment, "Electronic Bulls And Bears: U.S. Securities Markets And Information Technology", OTA-CIT-469 (Washington, DC: U.S. Government Printing Office, September 1990). (selected excerpts)

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to System Modifications to the Retail Automated Execution System, SEC Release No. 34-32879, 58 F.R. 49342, September 22, 1993

CBOE Regulatory Circular RG 91-71, December 25, 1991

Notice Of Receipt Of Plan Filed Pursuant To Section 11A(a)(3)(B) Of The Securities Exchange Act Of 1934, 1980 WL 29398, SEC Release No. 16519, January 22, 1980

New York Stock Exchange Constitution And Rules (Commerce Clearing House, Inc. New York Stock Exchange Guide) July 15, 1965, pp. 2644-45; 2682-83

R. Teweles et al., The Stock Market, Fifth Edition, John Wiley & Sons, 1987, pp. 176-181

J. Meeker, The Work Of The Stock Exchange, The Ronald Press Company 1923, pp. 108-109

CBOE Information Circular IC91-15, February 25, 1991

Domowitz, Ian, "A taxonomy of automated trade execution systems", 12 Journal of Int'l Money and Finance, pp. 607-631, dated 1993

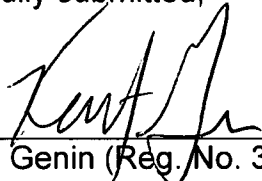
Applicant is enclosing Form PTO-1449 (four sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

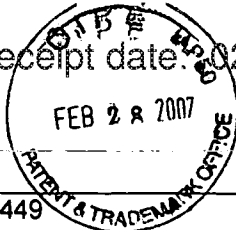
Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

2/28/2007
Date



Kent E. Genin (Reg. No. 37,834)



FORM PTO-1449	SERIAL NO. 09/896,061	CASE NO. 11927/90
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 29, 2001	GROUP ART UNIT 3692
(use several sheets if necessary)		APPLICANT(S): D. Schmitz et al.

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	3,573,747	04/06/71	Adams et al.		
	A2	3,581,072	05/25/71	Nymeyer		
	A3	4,412,287	10/25/83	Braddock, III		
	A4	4,674,044	06/16/87	Kalmus et al.		
	A5	4,903,201	02/20/90	Wagner		
	A6	4,980,826	12/25/90	Wagner		
	A7	5,038,284	08/06/91	Kramer		
	A8	5,101,353	03/31/92	Lupien et al.		
	A9	5,136,501	08/04/92	Silverman et al.		
	A10	5,297,031	03/22/94	Guterman et al.		
	A11	5,297,032	03/22/94	Trojan et al.		
	A12	5,305,200	04/19/94	Hartheimer et al.		
	A13	5,315,634	05/24/94	Tanaka et al.		
	A14	5,664,115	09/02/97	Fraser		
	A15	5,689,652	11/18/97	Lupien et al.		
	A16	5,715,402	02/03/98	Popolo		
	A17	5,744,877	04/28/98	Owens		
	A18	5,774,877	06/30/98	Patterson, Jr. et al.		
	A19	5,787,402	07/28/98	Potter et al.		
	A20	5,793,301	08/11/98	Patterson, Jr. et al.		
	A21	5,797,002	08/18/98	Patterson, Jr. et al.		
	A22	5,809,483	09/15/98	Broka et al.		
	A23	5,813,009	09/22/98	Johnson et al.		
	A24	5,819,237	10/06/98	Garman		
	A25	5,845,266	12/01/98	Lupien et al.		
	A26	5,873,071	02/16/99	Ferstenberg et al.		
	A27	5,905,974	05/18/99	Fraser et al.		
	A28	5,913,202	06/15/99	Motoyama		
	A29	5,915,209	06/22/99	Lawrence		
	A30	5,915,245	06/22/99	Patterson, Jr. et al.		
	A31	5,924,082	07/13/99	Silverman et al.		
	A32	5,950,176	09/07/99	Keiser et al.		
	A33	5,950,177	09/07/99	Lupien et al.		
	A34	5,963,923	10/05/99	Garber		
	A35	5,970,479	10/19/99	Spepherd		
	A36	5,978,779	11/02/99	Stein et al.		

EXAMINER /Frantzy Poinvil/	DATE CONSIDERED 04/24/2008
-------------------------------	-------------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 09/896,061	CASE NO. 11927/90
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 29, 2001	GROUP ART UNIT 3692
(use several sheets if necessary)	APPLICANT(S): D. Schmitz et al.	

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A37	6,012,046	01/04/00	Lupien et al.		
	A38	6,014,627	01/11/00	Togher et al.		
	A39	6,014,643	01/11/00	Minton		
	A40	6,016,483	01/18/00	Rickard et al.		
	A41	6,021,397	02/01/00	Jones et al.		
	A42	6,035,288	03/07/00	Solomon		
	A43	6,076,068	06/13/00	DeLapa et al.		
	A44	6,119,103	09/12/00	Basch et al.		
	A45	6,195,647	02/27/01	Martyn et al.		
	A46	6,199,050	03/06/01	Alaia et al.		
	A47	6,230,146	05/08/01	Alaia et al.		
	A48	6,247,000 B1	06/12/01	Hawkins et al.		
	A49	6,263,321	07/17/01	Daugherty, III		
	A50	6,266,651	07/24/01	Woolston		
	A51	6,269,346	07/31/01	Cristofich et al.		
	A52	6,278,982	08/21/01	Korhammer et al.		
	A53	6,282,521	08/28/01	Howorka		
	A54	6,285,989	09/04/01	Shoham		
	A55	6,317,727 B1	11/13/01	May		
	A56	6,317,728	11/13/01	Kane		
	A57	6,321,212	11/20/01	Lange		
	A58	6,377,940	04/23/02	Tilfors et al.		
	A59	6,405,180 B2	06/11/02	Tilfors et al.		
	A60	6,421,653 B1	07/16/02	May		
	A61	6,539,362	03/25/03	Patterson, Jr. et al.		
	A62	6,560,580 B1	05/06/03	Fraser et al.		
	A63	6,564,192	05/13/03	Kinney, Jr. et al.		
	A64	6,601,627	08/05/03	Kasai et al.		
	A65	6,618,707 B1	09/09/03	Katz		
	A66	6,647,374	11/11/03	Kansal		
	A67	US 2002/0002530 A1	01/03/02	May		
	A68	US 2002/0013760 A1	01/31/02	Arora et al.		
	A69	US 2002/0019799 A1	02/14/02	Ginsberg et al.		
	A70	US 2002/0082967 A1	06/27/02	Kaminsky et al.		
	A71	US 2002/0138401 A1	09/26/02	Allen et al.		
	A72	US 2002/0152152 A1	10/17/02	Abdelnur et al.		
	A73	US 2002/0156716 A1	10/24/02	Adatia		
	A74	US 2002/0198813 A1	12/26/02	Patterson, Jr. et al.		
	A75	US 2003/0018569 A1	01/23/03	Eisenthal et al.		

EXAMINER /Frantzy Poinvil/	DATE CONSIDERED 04/24/2008
-------------------------------	-------------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 09/896,061	CASE NO. 11927/90
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE June 29, 2001	GROUP ART UNIT 3692
APPLICANT(S): D. Schmitz et al.		

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A76 US 2003/0208430 A1	11/06/03	Gershon		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A77 WO 00/28449	05/18/00	PCT		
	A78 WO 00/48053	08/17/00	PCT		
	A79 WO 00/70506	11/23/00	PCT		
	A80 WO 01/22263	03/29/01	PCT		
	A81 WO 01/22269	03/29/01	PCT		
	A82 WO 01/22313	03/29/01	PCT		
	A83 WO 01/22315	03/29/01	PCT		
	A84 WO 01/22332	03/29/01	PCT		
	A85 WO 01/88808	11/22/01	PCT		
	A86 EP 0 952 536 A1	10/27/99	EPO		

EXAMINER INITIAL	OTHER ART - NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	A87	E. Clemons et al., "Information Technology and Screen-Based Securities Trading: Pricing the Stock and Pricing the Trade", <i>Management Science</i> , Volume 43, Number 12, December 1997
	A88	"The Pandora's Box over autoquotes; Industry Trend or Event", <i>Wall Street & Technology</i> , Section No. 3, Vol. 13, Pg. 38; ISSN: 1060-989X, March 1997
	A89	"How is a Trade Executed - Limit Order", <i>Nasdaq</i> , dated March 7, 2000, One Page
	A90	S. Cosgrove, "Courting Retail, Institutional Customers, CBOE, AMEX Get Creative", <i>Knight-Ridder Financial News</i> , January 29, 1993
	A91	Self-Regulatory Organizations: Proposed Rule Change by the Cincinnati Stock Exchange Relating to Small Order Execution Guaranty, 1985 WL 547562; SEC Release No. 22330, August 15, 1985
	A92	A Monitoring Report On The Operation Of The Cincinnati Stock Exchange National Securities Trading System, U.S. Securities And Exchanges Commission, May 1981
	A93	A Report On The Operation Of The Cincinnati Stock Exchange National Securities Trading System 1978-1981, U.S. Securities And Exchange Commission, September 1982
	A94	CBOT Press Release Entitled "Impressive Project A® Provides Extended Opportunity In CBOT Financial Complex", dated January 1995, printed from the Internet at http://web.archive.org/web/19990429192354/finance/wat.ch/SCFOA/bulletin/_0001960.htm on 10/31/05, 3 pages

EXAMINER /Frantzy Poinvil/	DATE CONSIDERED 04/24/2008
-------------------------------	-------------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 09/896,061	CASE NO. 11927/90
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 29, 2001	GROUP ART UNIT 3692
(use several sheets if necessary)	APPLICANT(S): D. Schmitz et al.	

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	A95	A. Frino et al., Price And Time-Priority Versus Pro-Rata Algorithms In Electronically Traded Futures Markets: Simulation Based Performance Characteristics, October 3, 1998, http://www.sirca.org.au/research/database.html (Document 1998009.pdf)
	A96	A. Frino et al., The Liquidity Of Automated Exchanges: New Evidence From Germany Bund Futures, Vol. 8, Journal Of International Financial Markets, Institutions And Money, pp. 225-241 (1998)
	A97	Self-Regulatory Organization; Chicago Stock Exchange, Inc.; Order Approving Proposed Rule Change Creating The Chicago Match System (59 F.R. 63141) SEC Release No. 34-35030, 1994 SEC LEXIS 3863, November 30, 1994
	A98	A. Sarker et al., "Electronic Trading On Futures Exchanges," Current Issues In Economics And Finance, Federal Reserve Bank Of New York, Vol. 4, No. 1, January 1998
	A99	Self-Regulatory Organization; Order Approving Proposed Rule Change and Notice of Filing in Order Granting Accelerated Approval of Amendment No. 2 to the Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Enhanced Specialist Participation in Parity Options Trades, SEC Release No. 34-35429, 60 F.R. 12802, March 8, 1995
	A100	CBOE Rules, CCH (1989) (Rules 6.45-8.80)
	A101	CBOE Information Circular IC 93-88 (November 18, 1993)
	A102	U.S. Congress, Office Of Technology Assessment, "Electronic Bulls And Bears: U.S. Securities Markets And Information Technology", OTA-CIT-469 (Washington, DC: U.S. Government Printing Office, September 1990). (selected excerpts)
	A103	Self-Regulatory Organizations; Filing and Order Gracting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to System Modifications to the Retail Automated Execution System, SEC Release No. 34-32879, 58 F.R. 49342, September 22, 1993
	A104	CBOE Regulatory Circular RG 91-71, December 25, 1991
	A105	Notice Of Receipt Of Plan Filed Pursuant To Section 11A(a)(3)(B) Of The Securities Exchange Act Of 1934, 1980 WL 29398, SEC Release No. 16519, January 22, 1980
	A106	New York Stock Exchange Constitution And Rules (Commerce Clearing House, Inc. New York Stock Exchange Guide) July 15, 1965, pp. 2644-45; 2682-83
	A107	R. Teweles et al., The Stock Market, Fifth Edition, John Wiley & Sons, 1987, pp. 176-181
	A108	J. Meeker, The Work Of The Stock Exchange, The Ronald Press Company 1923, pp. 108-109
	A109	CBOE Information Circular IC91-15, February 25, 1991
	A110	Domowitz, Ian, "A taxonomy of automated trade execution systems", 12 Journal of Int'l Money and Finance, pp. 607-631, dated 1993

EXAMINER /Frantzy Poinvil/	DATE CONSIDERED 04/24/2008
----------------------------	----------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.